REMARKS

Claims 1-16 remain pending in this application. Claims 1, 8 and 12 have been amended hereby. Support for the amendments to the claims can be found throughout the specification, and in particular, paragraphs [0019] and [0022] thereof. No new matter has been presented. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

As set forth in the Office Action mailed May 28, 2008, and as maintained in the Advisory Action mailed September 30, 2008, claims 1-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Allison et al. (WO 200271234 A) ("Allison") in view of Gould et al. (U.S. 2004/0199592 A1) ("Gould"). This ground of rejection is respectfully traversed.

In an effort to even further distinguish the claimed invention from the asserted combination of prior art references, Applicants have amended the claims to require a step of "iterating through the array of timestamps to access all source [and destination] counters and associated timestamps." This limitation further supports Applicants' prior argument that the claimed invention requires the use of an "array of timestampS including a timestamp entry for respective source counter incrementS." Claim 1 has also been amended to recite that the "array of timestamps include[es] a timestamp entry for each respective source counter increment." This requirement still further emphasizes the necessary condition that the timestamp array includes a plurality of timestamps representing the time for each source counter increment.

Not only is Gould silent regarding an array of timestampS, but Gould is most certainly absent any discussion of a step of iterating through such an array. Gould is focused only on comparing a first timestamp and an "nth" timestamp. There is no mention of acting on (iterating through) timestamps of emails that may have been received between the first timestamp and the "nth" timestamp.

More specifically, the Examiner points to several different areas of the Gould reference including Step 215 in Figure 2, ¶0035 - ¶0037, ¶0045, and ¶0047. Those portions of Gould describe two (and just two) timestamps:

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1. In the case of the first sighting of a new originating IP address (in a first message) a first time stamp. The first timestamp is preserved in a new IP address record when that new IP address record is created and the record's message counter is set to 1.

2. In the case of a subsequent sighting of an originating IP address (in an nth message) an nth timestamp. The nth timestamp is not preserved but the message counter (in the associated IP address record) is incremented.

While the first timestamp is saved (in an IP address record) all of the subsequent timestamps (from all of the subsequent messages) up to an nth timestamp (from an nth message) – 2, 3, 4, ..., n-3, n-2, n-1 – are not stored or preserved. And at the point that an n+1th message is received (and thus an n+1th timestamp is available) the nth timestamp would be lost.

Gould's e-mail governor may subtract an nth timestamp from a first timestamp (since the first timestamp was preserved in an IP address record) to ascertain gross elapsed time. However, since all of the intervening timestamps (from all of the intervening messages) are lost under Gould's model it would not be possible to iterate through the array of timestamps to access all source counters and associated timestamps, as is required by the claims.

Again, the timestamps of all intervening e-mail messages are irrelevant in Gould. In contrast, in the claimed invention, the timestamps associated with each message counted by the counter is stored for processing ("the array of timestamps including a timestamp entry for respective source counter increments"). See also paragraph [0021] of the present application.

For the foregoing reason alone, any combination of Allison and Gould would not result in claimed invention.

Furthermore, the claims of the present application expressly require "removing entries in the array of timestamps that are older than a fixed window size, and decrementing the source counter for each entry so removed." Gould fails to disclose anything like these claimed limitations. More specifically, Gould is silent regarding removing or deleting entries from the described "IP address record," or decrementing a counter as a result of any such operation. Since

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Gould does not describe removal or deletion of entries, it is not possible that Gould teaches the specific methodology of removing entries based on a "fixed window size," or decrementing a counter as a result thereof, as is required by the claims.

Since Allison is acknowledged not to disclose the timestamp array feature of the claimed invention and Gould does not disclose not only that feature but also the step of "iterating through" such an array, the §103(a) rejection of the claims based on Allison and Gould should be withdrawn.

In view of the forgoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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EDELL, SHAPIRO & FINNAN, LLC
CUSTOMER NO. 27896
1901 Research Boulevard, Suite 400
Rockville, MD 20850
(301) 424-3640

Respectfully submitted by:

/Lawrence D. Eisen/
Lawrence D. Eisen
Reg. No. 41009

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